IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,

vs.

JOSHUA ADAM MILLS
Defendant.
_____/

FILED IN OPEN COURT
This 30 day of DEC A.D. 2019
Time: 1:43 PM
By _____ D.C.

CASE NO.: 052019CF042107AXXXXX

Case # 05-2019-CF-042107-AXXX-XX
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PLEA OFFER

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of (X) guilty, ( ) no contest as follows:

Offenses: **Maximum Sentence**

COUNT 1: LEWD OR LASCIVIOUS MOLESTATION AGAINST A PERSON 12 YEARS OF AGE OR OLDER BUT LESS THAN 16 YEARS OF AGE BY OFFENDER 18 YEARS OF AGE OR OLDER (F2) 800.04(5)(c)2
COUNT 2: LEWD OR LASCIVIOUS EXHIBITION (F2) 800.04(7)(a)(b)

The State of Florida and I have agreed upon the following sentence to be imposed as a condition of this plea-**Sentence:**

Count 1, Nolle Prosequi. Count 2. Adjudication of Guilt, Adjudicated as a Sex Offender, 5 years Sex Offender Probation, No contact with E.M., No return to the home of E.M., Court Costs, $100 Cost of Prosecution, Cost of investigation $194.28 to Palm Bay Police Department.

- ☐ **Electronic monitor is to be hooked up before Defendant is released from Brevard County Jail.**
- ☐ **The defendant's place of residence has been approved by Probation and Parole.**
- ☐ **The defendant qualifies for Jessica Lunsford Act (JLA) and electronic monitor is required or EM is required as a condition of the plea. (check off that special condition)**

I understand that if I am not a United States Citizen, entry of this plea may subject me to deportation by the United States Immigration Service.

I understand that probation may be part of my sentence unless specifically excluded by this agreement.

I understand that if probation is a part of my sentence, the Court may impose conditions of probation authorized by law and, unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the Court. I further understand that statutory costs may be imposed as part of my sentence unless those costs are waived by the Court.

I understand that if probation is a part of my sentence, unless excluded by this agreement, the Court may impose a term of imprisonment in the County Jail as a condition of probation or community control up to 364 days.

I understand that I have the right to plead not guilty and to be tried by a jury with the assistance of counsel; the right to compel attendance of witnesses on my behalf; the right to confront and cross examine witnesses against me; the right to present defenses to the jury; and the right not to take the stand and testify; I waive those rights by entering this plea.

I understand that if I enter a plea without reserving the right to appeal, I will give up my right to appeal all matters relating to the judgment, including the issue of guilt or innocence, except for the limited review available by collateral attack.

I understand that I may be asked questions by the Court under oath about this plea and that my answers may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has threatened or coerced me into entering this plea. No person has made any promises to me that induced me to enter this plea, except those matters specifically set forth in this plea agreement.

My lawyer has reviewed all evidence disclosed through discovery, and has discussed the nature of that evidence with me, including the existence of any physical evidence for which DNA testing might exonerate me. I am satisfied with the representation my lawyer has given me and I have fully discussed my case and the contents of this agreement with my lawyer.

There have been no promises made to me by anyone regarding how many points I will score on my sentencing scoresheet.

Defendant Initials JM

I have fully discussed my case with my lawyer and I am satisfied with the representation my lawyer has given me. I fully understand the nature of the charges against me.

I am in good physical and mental health and I am not under the influence of alcohol or any drug at this time.

If I plead guilty or nolo contendere, and the offense to which I am pleading is a sexually violent offense or a sexually motivated offense, or if I have been previously convicted of such an offense, the plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my prison or jail sentence. It shall not be necessary for the trial judge to determine whether the present or prior offenses were sexually motivated in this respect, as this admonition shall be given to all defendants in all cases.

I hereby waive my right to a speedy trial.

I acknowledge that, if part of this plea agreement includes my release or my continued release on recognizance, then this portion of the plea agreement is conditioned upon the following:

(1) I must appear at the probation office at 801 Dixon Blvd., Suite 1104 Cocoa, FL 32922, (321) 634-3570, and schedule a presentence investigation not later than the first business day following the entry of my plea.
(2) I must obey the order of the court requiring me to undergo drug or alcohol screening or for other evaluation if such an order has been made in my case.
(3) I must appear on time for all appointments with the assigned probation officer and not be under the influence of any illegal drugs or alcohol.
(4) I must appear in court on time for sentencing and not be under the influence of any illegal drugs or alcohol.
(5) I must have no contact, either direct or indirect, with the victim.
(6) I must not be arrested for a violation of any criminal law. If sufficient evidence is found to support my arrest by a preponderance of the evidence, the arrest will constitute a violation of this plea agreement. *See* Neeld v. State, 977 So.2d 740 (2008).

I realize that this agreement is subject to being accepted or rejected by the Court, and if it is rejected for any reason other than for a breach of this agreement, I may withdraw my plea and go to trial.

The following conditions shall also apply. (See Attached)

I understand and agree that if I fail to comply with any of the conditions set forth below I will have breached my plea agreement. In that event I will not be allowed to withdraw my plea and the Court may sentence me to any sentence authorized by law for the offense(s) to which I have pled, including the statutory maximum penalty for each crime to which I have pled under this document.

SWORN TO, SIGNED AND FILED IN
OPEN COURT, IN MY PRESENCE
THIS 30th DAY OF December, 2019.

JOSHUA ADAM MILLS
01/08/1986

Circuit Court Judge

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the charges, their elements, the evidence of which I am aware, including physical evidence for which DNA testing may exonerate the defendant, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal.

Counsel for Defendant

CERTIFICATE OF PROSECUTION

Defendant Initials JAM

The State accepts and recommends to the Court the terms of this agreement.

JONATHAN SKINNER
Assistant State Attorney

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

(1) You will report to the probation office as directed. Not later than the fifth day of each month, unless otherwise directed, you will make a full and truthful report to your officer on the form provided for that purpose.
(2) You will pay the State of Florida the amount of $____ per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
(3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
(4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
(5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.
(6) You will not associate with any person engaged in any criminal activity.
(7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
(8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
(9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
(10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
(11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
(12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
(13) You will report in person within 72 hours of your release from incarceration to the probation office in Brevard County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 801 Dixon Blvd., Suite 1104, Cocoa, FL 32922 (321) 634-3570.

SPECIAL CONDITIONS

☐ 1. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.
Additional instructions ordered:

☐ 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:
NAME:
TOTAL AMOUNT: $
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several:
NAME:
TOTAL AMOUNT: $
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several:

☐ 3. You will be required to pay for drug testing unless exempt by the court.

☐ 4. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment program/Probation and Restitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.

☐ 5. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.

☐ 6. You will submit to urinalysis testing on a monthly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.

☐ 7. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.

☐ 8. You will successfully complete __ hours of community service at a rate of ___, at a work site approved by your officer. Additional instructions ordered:

☑ 9. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.

☐ 10. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay $___ per month for the cost of the electronic monitoring service.

☐ 11. You will not associate with ___ during the period of supervision.

☐ 12. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.

☐ 13. You will have no contact (direct or indirect) with ___ during the period of supervision.

☐ 14. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision.

☐ 15. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.

☐ 16. You will successfully complete the Probation & Restitution Program, abiding by all rules and regulations.

☐ 17. You will attend Alcoholics Anonymous or Narcotics Anonymous meetings at least monthly, unless otherwise directed by the court.

☐ 18. You must successfully complete Anger Management, and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court. Additional instructions ordered:

☐ 19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.

☑ 20. You shall submit your person, property, place of residence, vehicle or personal effects to a warrantless search at any time, by any probation or community control officer ~~or any law enforcement officer.~~ JAS

☐ 21. If you have been found to have committed a crime on or after October 1, 2008 for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

☐ 22. You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.

☐ 23. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay $_____ per month for the cost of the electronic monitoring service.

☑ 24. Other: You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.

Defendant Initials JM

☑ 25. **A**: A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising office.

B A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

C A prohibition from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

☑ 26. **A**: You will have no unsupervised contact with a child under the age of 18 unless supervised by the child's parent or legal guardian, or by a court order.

B: You will not reside or stay overnight in any accommodation where a child under the age of 18 is residing or spending the night.

C: No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.

D: Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P..

E: If the victim was under 18, a prohibition on living within 1,000 feet of a designated public school bus stop.

☑ 27. **A**: You must undergo and complete a psychological evaluation, including a psycho-sexual evaluation, with a therapist approved by Probation and Parole within thirty (30) days of release and to successfully complete all recommended treatment.

B: You are prohibited from possessing any picture/image/video(s), in any form (print or digital or otherwise), of the victim, or his/her family from the past, present or anytime in the future from the date of the plea.

C: You are prohibited from mentioning the victim or his/her family, in any form on the Internet, social media, and/or in electronic media. This includes any computer/smart phone, websites such as Facebook, Twitter, Instagram, Kik messenger or anything comparable; any blogs; Twitter; e-mails; instant messaging, etc.; or any apps that are comparable.

D: You may not contact the victim(s) on any form of social media, and you may not mention any of the victims or this case(s) on any form of social or electronic media, including responding to comments posted by others, or otherwise participation in such comments made by others.

E: You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication(s) is/are reviewable upon request by Probation & Parole, and you will consent and/or sign any waiver/consent form(s) to obtain said records from internet service provider or provider of electronic communication services, if necessary and requested of you.

F: You will submit to a warrantless search by Probation and Parole of your person, residence, vehicle, computer, and/or electronic media/communication equipment.

G: You are prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to your deviant behavior pattern.

☐ 28. Other: ._____

COMMUNITY CONTROL & DRUG OFFENDER CONDITIONS

☐ *(ADDENDUM - Condition for Community Control):*

You will remain confined to your approved residence under house arrest except for _____ (minutes)/(hours) before and _____ (minutes)/(hours) after any approved employment, public service work or other special activities approved in advance by your Community Control Officer. Approval to be away from your residence will be given only for things involving necessities of life such as work, doctor and dental appointments, grocery shopping, laundry, church, etc. You will not be allowed to leave for any recreational or pleasure activities. Approval to be away from your residence must be obtained prior to leaving. If you leave without permission and then report your absence, it is still a violation.

Any authorization given you to go to work, to the doctor, etc., means that you must travel directly there and directly back to your residence. You may not make any stops along the way unless approved in advance by your Community

Control Officer.
Your "residence" means: (a) if a house, the boundaries of your yard. You cannot go across the street or to a house next door to visit; (b) if a mobile home, the boundaries of the lot; (c) if an apartment, the boundary is the apartment walls of your apartment and any porch, portico or balcony. You may not use the amenities (swimming pool, tennis courts, etc.) nor the Laundromat in the complex without getting the prior consent of your Community Control Officer.

☐ (***BOTH-DRUG OFFENDER #32***) The Court retains custody over your person and authorizes any officer to search you at any time and search all vehicles and premises concerning which you have legal standing to give consent to search.

☐ (***BOTH-DRUG OFFENDER #33***) You will submit to urinalysis, breathalyzer or blood test at any time requested by your officer, or by the professional staff of any treatment center where you are receiving treatment, to determine the presence or use of alcohol or controlled substances at your expense.

☐ (***BOTH-DRUG OFFENDER #34***) You will not use or possess marijuana, cocaine, or other controlled substances of any kind (except upon prescription of a fully licensed medical doctor), nor associate with persons illegally possessing controlled substances. You will possess no controlled substances paraphernalia, such as cigarette papers, bong pipes, roach clips, hypodermics, etc.

☐ (***BOTH-DRUG OFFENDER #35***) As directed by your Officer, you will enroll in, regularly attend, and successfully complete such programs as are reasonably related to your past and future criminality, or to the rehabilitative purposes of probation; including but not limited to alcohol and drug treatment and counseling, mental health counseling, vocation and educational courses, rehabilitation programs, evaluation and therapy.

☐ (***PROB-DRUG OFFENDER #14***) You will participate in a specialized drug treatment program, either as an in-patient, or as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations, and procedures of the treatment facility. You will pay for all costs associated with the treatment and testing unless otherwise directed. Additional instructions ordered:

THE FOLLOWING ARE:

☑ **STANDARD SEX OFFENSE CONDITIONS** *(Clerk: includes banner, numbers 14-30)* **or**
☐ **SPECIAL SEX OFFENSE CONDITIONS (must be orally pronounced by the court for non-sex case, numbers 31-47)**

☑ (31) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

☑ (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.

☑ (33) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.

☑ (34) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.

☑ (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.

Defendant Initials JM

☑ (36) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.

☑ (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

☑ (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.

☑ (39) A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

☑ (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.

☑ (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.

☑ (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

☑ (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

☑ (44) If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.

☐ (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.

☑ **(46) Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,** a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

☐ **(47) Effective for offenders whose crime was committed on or after September 1, 2005**, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted o f a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

YOU ARE HEREBY PLACED ON NOTICE that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

Defendant Initials JM